

**In the United States Bankruptcy Court**

**for the**

**Southern District of Georgia**

**Savannah Division**

**FILED**

at 3 O'clock & 21 min P.M  
Date 2/15/00

**MICHAEL F. McHUGH, CLERK**  
**United States Bankruptcy Court**  
**Savannah, Georgia** *MB*

In the matter of:

KATRINA YVETTE ADAMS

*Debtor*

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Chapter 13 Case

Debtor 99-40695

**ORDER TO ATTORNEY JOYCE M. GRIGGS**  
**TO SHOW CAUSE**

On September 24, 1999, this Court signed an Order requiring Respondent Joyce Griggs to show cause on Thursday, October 28, 1999, at 11:00 a.m., why sanctions should not be imposed on her for conduct alleged to have occurred while she represented Debtor in this Court. The Order further required her, one week prior to the hearing, to file a written memorandum setting forth the applicable standards of conduct for members of the bar which were relevant to the issues pending before the Court, and a statement as to whether she believed those standards had been met. The reasons for ordering Ms. Griggs to show cause are set forth in that Order, but were based on her client's testimony and the record which reveal that:

- 1) Ms. Griggs had represented Ms Adams in a previous Chapter 13 case which was voluntarily dismissed by Ms. Griggs on February 2, 1999.

- 2) During the pendency of the first Chapter 13 case Debtor was assisted by personnel in Ms. Griggs office, but never met personally with Ms. Griggs prior to her case being filed, and met only with non-lawyer assistants.
- 3) Because of her frustration at the service she was receiving from Ms. Griggs, Debtor retained substitute counsel who appeared with her at the creditors' meeting. However, Ms. Griggs allegedly threatened that attorney for his alleged interference in her attorney/client relationship with the Debtor and substitute counsel, understandably, withdrew.
- 4) The second case was filed March 3, 1999. On April 13, 1999, this Court issued a Notice to Show Cause why the case should not be dismissed for Debtor's failure to appear at a creditors' meeting and to make payments. When no response to the notice was timely filed the case was dismissed with prejudice for 180 days.
- 5) That dismissal occurred because Ms. Griggs failed to request a hearing for Debtor in response to the show cause notice, despite assurances from Ms. Griggs' staff to Debtor that such a hearing would be requested. Debtor then hired new counsel and sought reinstatement of her case, which the Court granted.
- 6) Debtor made an effort to confer with Ms. Griggs personally while the possible dismissal of her case was pending and was never afforded the opportunity of meeting personally with Ms. Griggs.
- 7) Debtor denied authorizing the dismissal of her first case or the refiling of this second

case.

Ms. Griggs was afforded thirty (30) days notice prior to the time that the Order to Show Cause required her appearance in this Court. She was given three weeks notice of the requirement that she file a memorandum with the Court outlining the applicable standards of conduct which she believed should be applied by the Court. Despite more than ample notice, Ms. Griggs failed to meet the filing deadline. Instead she filed a Motion for Continuance on October 21, 1999. No reason was given for her Motion for Continuance, and as a result, the Court did not act on the Motion to Continue.

Subsequently on October 27, 1999, Ms. Griggs caused a conflict letter dated October 27, 1999, to be delivered to the Court. It stated that she was scheduled to appear in Superior Court for a civil trial at 10:30 a.m., on October 28, 1999. It quoted Rule 17(b) of the Uniform Superior [sic] Court Rules, asserted that "the civil trial in Chatham County Superior Court was scheduled first," and, based on her understanding of the Uniform Rules, requested that the bankruptcy Show Cause hearing be continued. Although the Court did not act on the Motion to Continue for reasons that will become clear *infra*, the Court learned that Ms. Griggs' client had made preparations to travel from New Jersey to Georgia to attend the hearing. Fortuitously, the staff of this Court advised the Debtor's new counsel that Debtor should not make that trip because it appeared the

Court might not be in a position to conduct the hearing.

The Motion to Continue was not granted. Ms. Griggs had missed the October 21 deadline for filing the required memorandum with the Court. Her initial Motion to Continue stated no reason to support the granting of a continuance, but the eleventh-hour letter asserted that she was entitled to a continuance due to a previously scheduled Superior Court trial. In an effort to resolve the conflict outlined in her letter, I directed my staff to verify the nature of the hearing scheduled before that Court and to determine its priority - vis-a-vis the bankruptcy hearing - including the date the domestic relations hearing had been assigned. Superior Court staff advised that the hearing before Judge Freeseemann in Superior Court, which constituted the alleged conflict, was not assigned by that Court until October 18, 1999, three weeks after this Court's Order to Show Cause. In light of Ms. Griggs' representation in her letter that the Chatham County Superior Court matter was scheduled first, I concluded that a continuance would not be granted unless Ms. Griggs appeared personally and provided additional grounds for her motion to continue.

When the case was called on October 28, 1999, at 11:00 a.m., a paralegal known to the Court to be a member of Ms. Griggs' staff was in the courtroom. Ms. Griggs was not present and, according to the paralegal, would not appear. He was

informed by the Court on the record, *inter alia*, that the recitation in her letter that she had a civil matter which took precedence over the bankruptcy case appeared to justify the granting of a continuance, but the Court had learned that the Superior Court case had not been assigned prior to, and in fact was not assigned until nearly three weeks after the bankruptcy hearing was scheduled. The paralegal was advised that Counsel's actions were possibly sanctionable. He was directed to inform Ms. Griggs that she was required to obtain a transcript of the Court's proceeding in order to be fully cognizant of what had transpired. Finally, the paralegal was informed that the matter would be reassigned for a hearing to consider all issues.

Despite the fact that Ms. Griggs was ordered immediately to order a transcript of that hearing, as of the date of the entry of this Order, she has not done so. Instead, on November 11, 1999, she filed a "Response to Show Cause." She accuses her former client of "incredible and fraudulent statements to the Court" and asserts that the Debtor was aware that her first case was to be dismissed. She further states that the Debtor signed the second voluntary petition which revealed the fact that the first case had been filed and dismissed. She further states that the Debtor authorized her to file the second petition, denies abandonment of the Debtor's case, and denies that she ever failed or refused to meet personally with the Debtor. All of those assertions by Ms. Griggs raise a *bona fide* issue as to whether her client testified truthfully at the hearing which led to the

issuance of the Court's Show Cause Order. Indeed, Ms. Griggs may have been unfairly maligned by her client. It would not be the first time that has happened in this Court, and the Court will no more tolerate false accusations against officers of this Court than it will tolerate misconduct by officers of this Court.

However, Ms. Griggs' response was not timely filed since it was due on October 21, 1999. It does not adequately analyze the applicable standards of conduct in this case, nor does it explain why she failed to appear on October 28, 1999, or explain the apparent discrepancy between her October 27 letter and the information obtained from Superior Court. It does not state why she failed to follow the Court's instructions and order a transcript of the first hearing. Rather, she indulges in self-serving statements such as "[I]t is obvious that the Court has decided what happened in this case only on Debtor's and Debtor's new counsel [sic] allegations (which counsel contends are false, slanderous, and defamatory)."

Ms. Griggs is mistaken. The Court has not yet decided what happened, but if it reached any final conclusions, based only on her client's testimony, it would be Ms. Griggs' fault and no one else's, due to her utter failure to appear on a date and time certain to Show Cause. Her failure is exacerbated by her failure, to this date, to explain why the Court should not conclude that she has made an overt, affirmative, false

representation to this Court in order to gain continuance in a matter which, because it may have affected her professionally, she wished to avoid.

Based on the foregoing, IT IS ORDERED that Attorney Joyce M. Griggs appear in person, at 11:00 o'clock a.m., Monday, March 6, 2000, PREFERABLY WITH THE ASSISTANCE OF COUNSEL, to show cause why contempt sanctions should not be imposed and why the Court should not recommend her case for possible discipline in accordance with Local Rule 83.5 of the United States District Court for the Southern District of Georgia.

Ms. Griggs is FURTHER ORDERED to file a written response to this Order not later than Thursday, March 2, 2000.

Debtor's current counsel, R. Wade Gastin, and the Chapter 13 Trustee are likewise ORDERED to appear at the hearing in this matter.



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Lamar W. Davis, Jr.  
United States Bankruptcy Judge

Dated at Savannah, Georgia

This 15<sup>th</sup> day of February, 2000.